

STATE OF NEW YORK

8072

2023-2024 Regular Sessions

IN ASSEMBLY

September 27, 2023

Introduced by M. of A. GRAY, BEEPHAN, J. A. GIGLIO, J. M. GIGLIO, BLUMENCRANZ, WALSH, ANGELINO, SMULLEN, BRABENEC, BLANKENBUSH, BENDETT, SIMPSON, MIKULIN, JENSEN -- read once and referred to the Committee on Local Governments

AN ACT requiring municipal corporations to approve any facility intending to house asylum seekers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. 1. Any facility intending to house asylum seekers shall,
2 prior to establishing and/or operating such facility, seek approval from
3 the municipal corporation in which such facility will be located.
- 4 2. For the purposes of this act, the following terms shall have the
5 following meanings:
- 6 (a) "Asylum seeker" shall mean an individual who changes their country
7 of usual residence to seek temporary or permanent residence in another
8 country, and who has applied for asylum under 8 U.S. Code § 1158 or is
9 eligible to apply; or who is a refugee as defined by section 101(a)(42)
10 of the Immigration and Nationality Act (INA).
- 11 (b) "Municipal corporation" shall mean a county, city, town or
12 village.
- 13 3. Every municipal corporation shall establish a review process for
14 facilities intending to house asylum seekers. Such review process shall
15 include, but not be limited to, the following:
- 16 (a) submission of a detailed plan outlining the facility's purpose,
17 capacity, security measures, and any anticipated impact on the community
18 located within such municipal corporation;
- 19 (b) notice to the public including the opportunity for public input
20 through public hearings, to allow residents and stakeholders to express
21 their views regarding the proposed facility;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD13212-01-3

1 (c) the availability of public services, transportation services,
2 health services, educational services, and infrastructure in the vicini-
3 ty of the proposed facility;
4 (d) an evaluation of any potential social, economic, or environmental
5 impacts associated with the facility; and
6 (e) collaboration with relevant state agencies, including but not
7 limited to, those responsible for health and human services, to ensure
8 compliance with applicable laws and regulations.

9 4. A decision based on the findings from subdivision three of this
10 section shall be rendered by the municipal corporation and delivered to
11 the operator or owner of such proposed facility no later than 8 weeks
12 after such approval is sought.

13 5. If the municipal corporation denies the establishment of such
14 facility, the operator or owner may appeal the decision to the applica-
15 ble administrative body as provided by law.

16 § 2. This act shall take effect on the thirtieth day after it shall
17 have become a law. Effective immediately, the addition, amendment and/or
18 repeal of any rule or regulation necessary for the implementation of
19 this act on its effective date are authorized to be made and completed
20 on or before such effective date.